

Exhibit 44

RESTRICTED CONFIDENTIAL

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEW JERSEY

3 - - - - - IN RE: VALSARTAN, LOSARTAN, AND : MDL NO. 2875

4 IRBESARTAN PRODUCTS LIABILITY :
LITIGATION, :

5 THIS DOCUMENT RELATES TO: :

6 Duffy, et al. v. Solco Healthcare :

U.S., L.L.C., et al., :

Case No. 1:18-cv-15076-RBK-JS :

7 - - - - - x

8

9 ***RESTRICTED CONFIDENTIAL***

10

11

12 Veritext Virtual Zoom Videotaped

13 deposition of TIFFANIE MRAKOVICH, taken on Tuesday,

14 August 31, 2021, commencing at 9:06 a.m., before

15 Jamie I. Moskowitz, a Certified Court Reporter and

16 Certified Livenote Reporter.

17

18

19

20

21

22

23

24

25

RESTRICTED CONFIDENTIAL

Page 46

1 MR. WHORTON: Objection, scope,
2 relevance.

3 THE WITNESS: I -- I don't know
4 exactly when they went into place. I know when
5 I started in 2015, they were in place, and we
6 got them listed within the first half of 2015.

7 BY MR. OSTFELD:

8 Q Okay. So just to put a little more
9 specificity on those dates, I'm going to show you
10 what has been marked for identification as
11 Exhibit 20.

12 (Whereupon, Exhibit 20 was marked for
13 Identification.)

14 BY MR. OSTFELD:

15 Q This is a letter dated August 11,
16 2014, from CMS to Martin Hauser, chief executive
17 officer at SummaCare. And I will represent to you
18 it is my understanding that this is the letter
19 imposing the sanctions you were just discussing. Do
20 you recognize this letter?

21 A No.

22 Q You have not seen this before?

23 A I don't think so.

24 Q Directing your attention to Page 3 of
25 the letter, there is a sentence reading, "Many of

RESTRICTED CONFIDENTIAL

Page 47

1 these issues stem from ineffective monitoring and
2 oversight of SummaCare's pharmacy benefit manager,
3 which is responsible for SummaCare's coverage
4 determinations."

5 Do you know who SummaCare's pharmacy
6 benefits manager was in 2014?

7 A MedImpact.

8 Q And then there's a list of violations
9 from Pages 3 through 7 of the -- of the letter. And
10 since you haven't seen the letter before, I am not
11 going to ask you to go through each of the
12 violations. I'm going to ask a question at the more
13 general level.

14 Do you know if any of the violations
15 for which CMS sanctioned SummaCare involved
16 valsartan prescriptions?

17 A I do not know.

18 Q Is there any source of information of
19 which you are aware that would confirm whether any
20 of these violations related to valsartan
21 prescriptions?

22 A In what context?

23 Q In any context, if there -- is there a
24 recordkeeping that would tell us whether CMS
25 sanctioned SummaCare in connection with a violation

RESTRICTED CONFIDENTIAL

Page 48

1 relating to valsartan prescriptions?

2 MR. WHORTON: Object to form, outside
3 the scope, vague.

4 THE WITNESS: I think we probably have
5 record of what claims were subject to the
6 sanction. My recollection, most were not
7 specifically claim adjudication related.

8 BY MR. OSTFELD:

9 Q Okay. All right. Do you know whether
10 SummaCare had to reimburse any prescription drug
11 coverage claims for valsartan as a result of the CMS
12 sanctions?

13 MR. WHORTON: Objection, vague.

14 THE WITNESS: I do not know.

15 BY MR. OSTFELD:

16 Q I'm sorry. I didn't hear your answer.

17 A I do not know.

18 MR. OSTFELD: Okay. And then I'm now
19 going to show you what's been marked for
20 identification as Exhibit 21.

21 (Whereupon, Exhibit 21 was marked for
22 Identification.)

23 BY MR. OSTFELD:

24 Q This is a letter dated
25 March 25th, 2015, from CMS to Mr. Claude Vincenti,

RESTRICTED CONFIDENTIAL

Page 49

1 the president of SummaCare. It is my understanding
2 that this is the letter that listed the reference
3 sanctions. Have you seen this letter before?

4 A No.

5 Q All right. Is March 25th, 2015,
6 consistent with your recollection of when the
7 sanctions listed?

8 A Yes.

9 Q And you were at SummaCare by that
10 time?

11 A Yes.

12 Q What actions did SummaCare have to
13 undertake to be released from the sanctions?

14 A We had to re-go through a validation
15 audit to make sure that the controls and oversights
16 that needed to be in place and any corrections were
17 made to the finding.

18 Q And did any of those controls or
19 oversights relate to claims adjudication of
20 prescription drugs like valsartan?

21 A I'm not sure -- what was related to
22 coverage determination process, not necessarily
23 claims processing.

24 Q I'm sorry, to coverage what process?

25 A Coverage determinations.